

House Bill 1117 (COMMITTEE SUBSTITUTE)

By: Representatives Harbin of the 118<sup>th</sup> and Powell of the 29<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as  
2 to provide for an executive director for the State Board of Registration for Professional  
3 Engineers and Land Surveyors; to provide for the powers and responsibilities of such  
4 executive director; to provide for funding for the board; to provide for certain reports; to  
5 provide for the employment of staff; to provide for certain contracts; to provide for the  
6 assessment of performance; to provide for related matters; to provide effective dates; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by  
11 revising paragraph (1) of subsection (a) of Code Section 43-1-2, relating to appointment and  
12 general powers of the division director, as follows:

13 "(a)(1) There is created within the office of the Secretary of State the professional  
14 licensing boards division as successor to the office of the joint-secretary of the state  
15 examining boards. The Secretary of State is authorized and directed to appoint a director  
16 of the professional licensing boards division. However, the State Board of Registration  
17 for Professional Engineers and Land Surveyors shall appoint its own full-time executive  
18 director who shall have all powers and responsibilities delegated to the division director  
19 as they pertain to that board. Such executive director shall function in lieu of the division  
20 director."

21 **SECTION 2.**

22 Said title is further amended by revising subsection (l) of Code Section 43-1-2, relating to  
23 appointment and general powers of the division director, and adding a new subsection to read  
24 as follows:

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25 "(l) Funding Except as provided in subsection (m) of this Code section, funding for the  
 26 office of the division director and the various professional licensing boards served by such  
 27 office shall be contained in a common budget unit as defined in Part 1 of Article 4 of  
 28 Chapter 12 of Title 45, the 'Budget Act.'

29 (m) Funding for the operation and administration of the State Board of Registration for  
 30 Professional Engineers and Land Surveyors shall be a separate and distinct budget unit as  
 31 defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.' It is the intent of  
 32 the General Assembly to appropriate all fees collected by such board to that budget unit  
 33 solely for the operation and administration of such board."

### 34 SECTION 3.

35 Said title is further amended by revising subsection (c) of Code Section 43-15-4, relating to  
 36 division director as secretary of State Board of Registration for Professional Engineers and  
 37 Land Surveyors, as follows:

38 "(c) The board shall be assigned to the office of the division director for those purposes  
 39 described in Chapter 1 of this title The board shall appoint an executive director to manage  
 40 all administrative, investigative, and prosecutorial services of the board."

### 41 SECTION 4.

42 Said title is further amended by revising Code Section 43-15-6, relating to general powers  
 43 of the board, by adding new subsections to read as follows:

44 "(c) The executive director, with the approval of the board, may issue administrative orders  
 45 or administrative consent orders for the enforcement of this Code section and rules adopted  
 46 pursuant to this Code section. Such orders may contain remedies, license revocations,  
 47 penalties, monetary settlements, or other such provisions. Such orders shall be consistent  
 48 with Chapter 13 of Title 50, the 'Administrative Procedures Act.' Such orders may be  
 49 prepared with the assistance of the Attorney General or may be prepared without such  
 50 assistance.

51 (d) The executive director, with the approval of the board, may contract with qualified  
 52 individuals or firms to assist the board in performing its duties, especially complaint  
 53 investigations. The executive director may also retain qualified staff for the purpose of  
 54 assisting the board in performing its duties.

55 (e) The board shall file a written report with the Secretary of State on or before the second  
 56 Tuesday of each year to be posted on the website of the Secretary of State. The report shall  
 57 include a summary of all actions taken by the board, a financial report of income and  
 58 disbursements, staff personnel, and number of persons licensed by the board. The report  
 59 shall further delineate steps taken in education and research to disseminate information so

60 that all licensees can be better informed in order to protect the public. The board shall also  
61 outline a program of education and research for each ensuing year. In particular, the report  
62 shall contain the following:

63 (1) The number of license applications received;

64 (2) The number of license applications approved, the number denied, and the number of  
65 licenses issued;

66 (3) The number of examinations administered, the number of applicants passing such  
67 examinations, and the number of applicants failing such examinations;

68 (4) The number of complaints received, the number of complaints found to be legally  
69 sufficient, the number of complaints dismissed, and the number of complaints determined  
70 to have probable cause, and the number of days required to process each complaint;

71 (5) The number and nature of disciplinary actions taken by the board; and

72 (6) The number of complaints pending and the number of days lapsed from the receipt  
73 of each complaint.

74 (f) The board shall develop performance standards and measurable outcomes to adopt by  
75 rule in order to facilitate efficient and cost-effective regulation of licensees."

76 **SECTION 5.**

77 For the purposes of selecting an executive director and staff and for all matters necessary for  
78 an orderly transition, this Act shall become effective upon its approval by the Governor or  
79 upon its becoming law without such approval. For all other purposes, this Act shall become  
80 effective on July 1, 2011.

81 **SECTION 6.**

82 All laws and parts of laws in conflict with this Act are repealed.